

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

---

SONY MUSIC ENTERTAINMENT, *et al.*,

*Plaintiffs,*

v.

COX COMMUNICATIONS, INC., *et al.*,

*Defendants.*

---

Case No. 1:18-cv-00950-LO-JFA

**[PROPOSED] ORDER**

UPON CONSIDERATION of Defendants’ Motion to Seal (ECF No. 331), pursuant to Rule 26 of the Federal Rules of Civil Procedure and Local Civil Rule 5, which seeks an order allowing Cox to maintain under seal a portion of Defendants’ Memorandum of Law in Support of their Motion for Summary Judgment (ECF No. 330) (“Summary Judgment Motion”); portions of the Declaration of Thomas Kearney in Support of Defendants’ Motion for Summary Judgment (ECF No. 330-1) (“Summary Judgment Declaration”); exhibits to the Summary Judgment Declaration; portions of Cox’s Motion to Exclude the Testimony of Putative Expert William H. Lehr, Ph.D. (ECF No. 308) (“Lehr Motion”); exhibits to the Declaration of Thomas M. Buchanan in Support of the Lehr Motion (ECF No. 308-1) (“Lehr Motion Declaration Exhibits”), portions of Cox’s Motion to Exclude the Testimony of Putative Expert George P. McCabe, Ph.D. (ECF No. 302) (“McCabe Motion”), exhibits to the Declaration of Thomas M. Buchanan in Support of the McCabe Motion (ECF No. 302-1) (“McCabe Motion Declaration Exhibits”), portions of Cox’s Motion to Exclude the Testimony of Putative Expert Terrence P. McGarty (ECF No. 305) (“McGarty Motion”), exhibits to the Declaration of Thomas M. Buchanan in Support of the McGarty Motion (ECF No. 305-1) (“McGarty Motion Declaration Exhibits”), portions of Cox’s Motion to Exclude the Testimony of Putative Expert Barbara Frederiksen-Cross (ECF No. 311) (“Frederiksen-Cross Motion”), portions of the Declaration of Cesie

C. Alvarez in Support of the Frederiksen-Cross Motion (ECF No. 311-1) (“Frederiksen-Cross Motion Declaration”), and exhibits to the Frederiksen-Cross Motion Declaration (“Frederiksen-Cross Motion Declaration Exhibits”), the Motion is Hereby granted, in accordance with the chart below:

Bates Number or Title	Designating Party	Where used	Granted
The deposition transcript of Alasdair McMullan	Plaintiffs	Summary Judgment Motion, Exhibit 6	Y / N
The deposition transcript of Steven Poltorak	Plaintiffs	Summary Judgment Motion, Exhibit 8	Y / N
The deposition transcript of Plaintiffs’ Expert Barbara Frederiksen-Cross	Plaintiffs	Summary Judgment Motion, Exhibit 2; Frederiksen-Cross Motion Declaration, Exhibit F	Y / N
The Expert Report of Plaintiffs’ Expert Barbara Frederiksen-Cross	Plaintiffs	Summary Judgment Motion, Exhibit 13; McCabe Motion Declaration, Exhibit H; Frederiksen-Cross Motion Declaration, Exhibit D	Y / N
The Supplemental and Reply Report of Plaintiffs’ Expert Barbara Frederiksen-Cross	Plaintiffs	Summary Judgment Motion, Exhibit 14; McCabe Motion Declaration, Exhibit K; Frederiksen-Cross Motion Declaration, Exhibit E	Y / N
The deposition transcript of William H. Lehr, Ph.D	Plaintiffs	Lehr Motion Declaration, Exhibit D	Y / N
The Expert Report of Plaintiffs’ Expert William Lehr	Plaintiffs	Summary Judgment Motion, Exhibit 15; Lehr Motion Declaration, Exhibit A	Y / N
The Expert Rebuttal Report of Plaintiffs’ Expert William Lehr	Plaintiffs	Lehr Motion Declaration, Exhibit B	Y / N
The Expert Reply Report of Plaintiffs’ Expert William Lehr	Plaintiffs	Lehr Motion Declaration, Exhibit C	Y / N
The deposition transcript of expert George McCabe	Plaintiffs	Summary Judgment Motion, Exhibit 5; McCabe Motion Declaration, Exhibit D	Y / N
The Expert Report of George P. McCabe	Plaintiffs	Summary Judgment Motion, Exhibit 16; McCabe Motion Declaration, Exhibit B;	Y / N

Bates Number or Title	Designating Party	Where used	Granted
		McGarty Motion Declaration, Exhibit H	
The Expert Supplemental and Reply Report of George P. McCabe, Ph.D.	Plaintiffs	McCabe Motion Declaration, Exhibit C	Y / N
The deposition transcript of Terrence P. McGarty, Ph.D.	Plaintiffs	McGarty Motion Declaration, Exhibit C	Y / N
The Expert Report of Plaintiffs' Expert Terrence P. McGarty	Plaintiffs	Summary Judgment Motion, Exhibit 17; McGarty Motion Declaration, Exhibit A	Y / N
The Expert Supplemental and Reply Report of Plaintiffs' Expert Terrence P. McGarty	Plaintiffs	McGarty Motion Declaration, Exhibit B	Y / N
Plaintiffs_00286430	Plaintiffs	Summary Judgment Motion, Exhibit 26, 26A, 27, 28;	Y / N
Plaintiffs_00104130	Plaintiffs	Summary Judgment Motion, Exhibit 29	Y / N
Plaintiffs_00112675	Plaintiffs	Summary Judgment Motion, Exhibit 29	Y / N
Plaintiffs_00148396	Plaintiffs	Summary Judgment Motion, Exhibit 29	Y / N
Plaintiffs_00148541	Plaintiffs	Summary Judgment Motion, Exhibit 29	Y / N
Plaintiffs_00200764	Plaintiffs	Summary Judgment Motion, Exhibit 29	Y / N
Plaintiffs_00113142	Plaintiffs	Summary Judgment Motion, Exhibit 30	Y / N
Plaintiffs_00175863	Plaintiffs	Summary Judgment Motion, Exhibit 31	Y / N
Plaintiffs_00137124	Plaintiffs	Summary Judgment Motion, Exhibit 32	Y / N
Plaintiffs_00286431	Plaintiffs	Summary Judgment Motion, Exhibit 39	Y / N
The deposition transcript of Steven Marks	The Recording Industry Association of America ("RIAA")	Summary Judgment Motion, Exhibit 4	Y / N
RIAA_00000003	RIAA	Summary Judgment Motion, Exhibit 22 Frederiksen-Cross Motion Declaration, Exhibit K	Y / N
RIAA_00000017	RIAA	Summary Judgment	Y / N

Bates Number or Title	Designating Party	Where used	Granted
		Motion, Exhibit 23	
RIAA_00000030	RIAA	Summary Judgment Motion, Exhibit 24A	Y / N
RIAA_00000045	RIAA	Summary Judgment Motion, Exhibit 24B	Y / N
RIAA_00127769	RIAA	Summary Judgment Motion, Exhibit 25; McCabe Motion Declaration, Exhibit F	Y / N
The deposition transcript of Sam Bahun	MarkMonitor, Inc.	Summary Judgment Motion, Exhibit 1	Y / N
The deposition transcript of Slawomir Paszkowski	MarkMonitor, Inc.	Summary Judgment Motion, Exhibit 7, 38; McCabe Motion Declaration, Exhibit E; Frederiksen-Cross Motion Declaration, Exhibit H	Y / N
MM000236	MarkMonitor, Inc.	Summary Judgment Motion, Exhibit 37, 37A; McCabe Motion Declaration, Exhibit G; Frederiksen-Cross Motion Declaration, Exhibit C	Y / N
MM000189	MarkMonitor, Inc.	Summary Judgment Motion, Exhibit 41; Frederiksen-Cross Motion Declaration, Exhibit J	Y / N
The deposition transcript of Vance Ikezoye	Audible Magic Corporation	Summary Judgment Motion, Exhibit 3; McCabe Motion Declaration, Exhibit I; Frederiksen-Cross Motion Declaration, Exhibit I	Y / N
Audible-Magic-0000003	Audible Magic Corporation	Summary Judgment Motion, Exhibit 36; Frederiksen-Cross Motion Declaration, Exhibit M	Y / N
REV00003444/AUDIBLE-MAGIC-0007657	Audible Magic Corporation	Summary Judgment Motion, Exhibit 40	Y / N
The deposition transcript of Matthew Carothers	Defendants	Summary Judgment Motion, Exhibit 9	Y / N
The deposition transcript of Paul Jarchow	Defendants	Summary Judgment Motion, Exhibit 10	Y / N
The deposition transcript of Sanford Mencher	Defendants	Summary Judgment Motion, Exhibit 11	Y / N

Bates Number or Title	Designating Party	Where used	Granted
The deposition transcript of Sidd Negretti	Defendants	Summary Judgment Motion, Exhibit 12; Lehr Motion Declaration, Exhibit J	Y / N
The deposition transcript of Linda Trickey	Defendants	Summary Judgment Motion, Exhibit 43;	Y / N
The Rebuttal Expert Report of Cox's Expert Dr. Nick Feamster	Defendants	Summary Judgment Motion, Exhibit 18; McCabe Motion Declaration, Exhibit J Frederiksen-Cross Motion Declaration, Exhibit G	Y / N
The Rebuttal Expert Report of Cox's Expert Dr. Kevin Almeroth	Defendants	Summary Judgment Motion, Exhibit 19; McGarty Motion Declaration, Exhibit E	Y / N
COX_SONY_00515537	Defendants	Lehr Motion Declaration, Exhibit E	Y / N
The Rebuttal Expert Report of Lynne J. Weber, Ph.D.	Defendants	Lehr Motion Declaration, Exhibit G; McGarty Motion Declaration, Exhibit D	Y / N
Reply Report of Christian Tregillis	Defendants	Lehr Motion Declaration, Exhibit H	Y / N
COX_SONY_00097360	Defendants	Summary Judgment Motion, Exhibit 44	Y / N
COX_SONY_00097361	Defendants	Summary Judgment Motion, Exhibit 45	Y / N
COX_SONY_00097362	Defendants	Summary Judgment Motion, Exhibit 46	Y / N
COX_SONY_00097363	Defendants	Summary Judgment Motion, Exhibit 47	Y / N
COX_SONY_00097364	Defendants	Summary Judgment Motion, Exhibit 48	Y / N
COX_SONY_00097365	Defendants	Summary Judgment Motion, Exhibit 49	Y / N
COX_SONY_00097366	Defendants	Summary Judgment Motion, Exhibit 50	Y / N
COX_SONY_00097367	Defendants	Summary Judgment Motion, Exhibit 51	Y / N

ENTERED this \_\_\_\_ day of September, 2019.

Alexandria, Virginia

---

The Honorable Liam O'Grady  
United States District Judge  
Eastern District of Virginia